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Agency Secretary
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Department of Toxic Substances Control

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Glendale, California 91201



Arnold Schwarzenegger
Governor

December 30, 2003

RESPONSE TO COMMENTS ON THE REMOVAL ACTION WORKPLAN FOR THE PROPOSED RAMBLEWOOD PARK ELEMENTARY SCHOOL, SAN JOSE, CALIFORNIA

Dear Interested Community Member:

Thank you for submitting written or oral comments to the Department of Toxic Substances Control (DTSC). The comments submitted present questions and concerns regarding the proposed removal activities at the subject site located between Dundale Drive, Lightland Road, Kinsule Court, and Highway 101 in City of San Jose, California.

DTSC has reviewed the comments received and prepared the enclosed Response to Comments (Attachment 1), addressing the questions and concerns raised. After careful considerations, the Removal Action Workplan (RAW) has been revised as appropriate. Therefore, DTSC determines that the proposed removal action activities are appropriate and hereby approves the RAW.

Field activities are anticipated to begin in March 2004 with DTSC oversight. Upon completion of the RAW activities, a Removal Action Completion Report will be submitted to DTSC for review and approval.

If you have any questions, please contact Mr. Joe Hwang, Project Manager, at (714) 484-5406, or me at (818) 551-2821.

Sincerely,

Sharon Fair, Chief
Glendale/Sacramento School Branch
School Property Evaluation and Cleanup Division

Attachment

cc: See next page

Interested Community Member
December 30, 2003
Page 2

cc: Mr. C. John Dominguez, V.P.
School Site Solutions, Inc.
3723 Kenwood Way
Roseville, California 95747

Mr. Thomas F. McCloskey, R.G.
Lowney Associates
405 Clyde Avenue
Mountain View, California 94043-2209

Mr. Leon Glaster
Assistant Superintendent, Business Services
Franklin-McKinley School District
645 Wool Creek Drive
San Jose, California 95112

Mr. Michael O'Neill
Consultant/Environmental Coordinator
School Facilities Planning Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, California 95814

Mr. Lance McMahan
9450 Oak Avenue
Orangevale, California 95662

Mr. Chris Anaya
2056 Portsmouth Drive
El Dorado Hills, California 95762

Mr. Ronny Van Velthuysen
3778 Dundale Drive
San Jose, California 95121

Mr. Georgette Kwong
1311 Cotterell Drive
San Jose, California 95121-2519

Interested Community Member
December 30, 2003
Page 3

Mr. Stuart Bernstein
stub63@earthlink.net

RESPONSE TO COMMENTS

REMOVAL ACTION WORKPLAN FOR THE FRANKLIN-McKINLEY SCHOOL DISTRICT
PROPOSED RAMBLEWOOD PARK ELEMENTARY SCHOOL, LOCATED BETWEEN
DUNDALE DRIVE, LIGHTLAND ROAD, KINSULE COURT, AND HIGHWAY 101, SAN
JOSE, CALIFORNIA

I. INTRODUCTION

The subject Removal Action Workplan (**RAW**) has been prepared to address the presence of soils containing naturally occurring asbestos (NOA) at the Franklin- McKinley School District (**FMSD**), Proposed Ramblewood Park Elementary School site (hereafter, the "**Site**"). The RAW includes a detailed engineering plan, a description of the chemical of concern, and the removal action objectives to be achieved by the removal action, as required by the California Health and Safety Code, section 25323.1. The RAW has been submitted to the Department of Toxic Substances (DTSC) for review and approval.

In July 2003, a voluntary asbestos survey was conducted by Lowney Associates on behalf of FMSD at the Site. A total of 11 samples were collected over the entire 3.5 acre Site, based on a randomly selected grid pattern. Six samples were collected from surficial soil and rock; five additional samples were collected from one geotechnical boring at various depths, ranging from 6 to 23 feet below ground surface. The collected samples were analyzed using California Air Resources Board (CARB) Method 435 polarized light microscopy (PLM). In all 11 samples, naturally occurring chrysotile asbestos was detected, ranging from 0.25 to 6.25 percent (%) by weight.

Because the Site is underlain by bedrock potentially containing NOA, a RAW has been prepared; the selected remedy in the RAW proposes capping of the entire Site with hardscape or clean imported soil to prevent contact with the asbestos-containing soil. An orange colored geo-textile material will be placed underneath clean imported soil as a marker, to define the areas of soil with potential NOA. In addition, an asbestos dust mitigation plan (ADMP) approved by DTSC and by the Bay Area Air Quality Management District (BAAQMD), will be implemented throughout the construction period.

Prior to Site certification for school occupancy, FMSD has agreed to enter into an enforceable Operation and Maintenance (**O&M**) agreement with DTSC to implement an approved O&M Plan. Under the O&M Plan, routine and specific post-RAW inspections will be conducted to ensure the integrity of the cap, and to ensure that the remedy remains protective of human health and the environment.

The draft RAW was public-noticed from November 19, 2003 to December 19, 2003. Several verbal and written comments were received during the public comment period for the RAW. DTSC's Responses to Comments (RTC) are summarized in the following information.

II. SUMMARY OF COMMENTS AND DTSC'S RESPONSE TO COMMENTS

A. Comments by Mr. Chris Anaya, dated November 19, 2003

Narrative Comment A1:

What kind of NOA? Chrysotile vs. amphibole? If amphibole is involved, I will love to help you. If the NOA is strictly chrysotile, or serpentine rock only, I would not worry about it too much.

Response A1:

DTSC appreciates your offer to assist with this project. Based on the voluntary asbestos investigation conducted in July 2003, the NOA that underlies the site was identified as chrysotile and serpentine rock. DTSC notes that chrysotile asbestos is generally considered to be less toxic than is amphibole asbestos. Because FMSD and DTSC agreed to conduct a conservative response action by capping the entire school site, all NOA will be contained by this action. Additionally, dust monitoring and air sampling will take place during implementation of the RAW, and will include analysis by transmission electron microscopy (TEM) to identify any presence of amphibole asbestos.

B. Comments by Lance K. McMahan, dated November 20, 2003

Narrative Comment B1:

A copy of the RAW should also be available in Sacramento area for interested parties to review.

Response B1:

DTSC has previously set up two information repositories for the RAW project. One is located at the FMSD office in San Jose. Another is located at DTSC's Cypress office. Per your request, however, a copy of the RAW has also been placed at DTSC's CalCenter office in Sacramento. Any interested party may contact Ms. Kim Rhodes at 916-255-3651 to schedule an appointment for review of the RAW document. DTSC has also provided you with a copy of the RAW for your review.

C. Comments by Ronny Velthuysen, dated November 20, 2003

Narrative Comment C1:

You are taking tons of dirt containing asbestos. I am pretty sure that some of it will be airborne and will drift towards commuters traveling on Highway 101.

Response C1:

As described in the RAW, an estimated 24,500 cubic yards (36,750 tons) of excavated rocks and soils are expected to be removed from the Site, and an estimated 16,200 cubic yards (24,300 tons) are expected to be imported as fill materials. A site-specific Transportation Plan was prepared by FMSD; following DTSC's review of the RAW, the Transportation Plan was modified and subsequently approved by DTSC. The Transportation Plan has been added to the RAW as Appendix I. Twenty-five truckloads per day are anticipated during the response action. The dust control measures specified in the Transportation Plan will avoid or minimize any potential impact on commuters traveling on Highway 101.

The Transportation Plan includes a project summary, with specific information concerning waste characterization and quantity, soil loading operations, transportation control, offsite land disposal facilities, shipping documentation, recordkeeping, health and safety, license and insurance, and contingency plan.

All removal, transportation and disposal activities will be performed in accordance with applicable federal, state and local laws, regulations and ordinances. All excavated soils will be shipped by a qualified (licensed/registered and insured) hazardous waste hauler in tarp-covered trucks, under proper shipping documents, to a proper waste disposal facility. Prior to leaving the Site, each transportation truck will be inspected to ensure that the payload is adequately covered, the truck is cleaned of overburdened soil, and the shipment is properly manifested. Trucks will be timed to avoid rush traffic hours. All transportation trucks will exit the Site and travel southbound on Highway 101 to Kirby Canyon Landfill in Morgan Hill, California.

In addition, a hauling permit will be obtained from the City of San Jose prior to commencement of fill activities to ensure that city requirements are followed.

Narrative Comment C2:

All the residents that reside around Ramblewood Park were against this proposal. We suggested that the district use part of the Park.

Response C2:

In accordance with the Education Code, the Department of Education has responsibility for issuing site and plan approvals for new schools. DTSC's Schools Division does not have authority to designate which sites will be school sites. DTSC is responsible for assessing the environmental conditions at prospective school sites, as designated by school districts,

and for overseeing remediation and/or mitigation of hazardous substances identified at school sites where the school district elects to pursue acquisition of properties and construction of schools. For this Site, DTSC's focus is on the proposed response action to address concerns associated with naturally occurring asbestos on the school Site during and after school construction activities. Site boundaries were defined by FMSD, which elected not to include the adjacent Park as part of the school site.

FMSD was the lead agency for the California Environmental Quality Act (CEQA) project that addressed the siting and construction of the proposed Ramblewood Park Elementary School. The school CEQA project is a different project, outside the scope of the RAW and the proposed response action addressed in these comments. The FMSD's Initial Study was placed in the repository at the beginning of the public notice period for the RAW. A hearing for the Preliminary Environmental Assessment (PEA) and the school CEQA project was held by FMSD on November 12, 2003; DTSC was advised by the district that no public comments were received. The FMSD subsequently adopted the CEQA document with a Negative Declaration in December, 2003.

D. Comments by Georgette Kwong, dated December 7, 2003

Narrative Comment D1:

Nowhere in your action workpan did I see any information on testing to be sure the residents, particularly those who live across the streets from the park, would not be exposed to airborne asbestos. We recommend daily testing using TEM at 3 locations (at the actual site of the removal, at the boundaries of the site, and at a control area). TEM would be the proper test to monitor the levels of airborne asbestos fibers. A letter should be sent out to inform the members of this community regarding the testing methods that will be used during removal and of the hazards involved should proposed safety methods not be implemented for whatever reason.

Response D1:

As required by DTSC, CARB and BAAQMD, an Asbestos Dust Mitigation Plan (ADMP) for the Site has been prepared and included in the RAW. The ADMP describes dust mitigation measures and the air monitoring program to be implemented during the proposed response action.

According to the ADMP, each work area on the Site will be controlled with physical barriers (e.g., perimeter fencing with tarps). Soil wetting and dust monitoring will take place daily at the property perimeter and in the work areas to minimize and control dust generation during the proposed removal action. Water will be sprayed to control any fugitive dust from blowing onto other properties. If high wind conditions occur (e.g., wind speed in excess of 25 miles per hour), all earth movement activities must cease until the site is stabilized. Dust monitoring equipment will be set up to detect elevated contaminant levels that may occur during the response action, providing DTSC and FMSD with relevant information

and triggering implementation of additional precautionary measures if needed.

Perimeter asbestos air sampling will be performed intermittently at the fence-line to document the effectiveness of dust control measures, and to evaluate potential off-site migration of asbestos during the proposed response action. For the first week, the sampling will be conducted daily; this frequency may be reduced depending on laboratory results and site conditions. Using a meteorological station (Met Station), sampling locations will be determined based on the daily prevailing wind direction observed at the Site. "Trigger" and "action" levels have been specified in the ADMP for air and dust contaminant testing; analysis methods using both Phase Contrast Microscopy (PCM), as required by California Occupational Safety and Health Administration (CalOSHA), and TEM. If trigger levels are exceeded, additional dust suppression activities are required. If action levels are exceeded, site work must stop until conditions are stabilized.

E. Comments from Stuart Bernstein, dated December 12 and 18, 2003

Narrative Comment E1:

A public meeting should be held on December 18 in late afternoon. DTSC's toxicologist should be available to answer any question about asbestos and pesticide contamination. Representatives from the Franklin McKinley School District should also attend the meeting.

Response E1:

Due to late receipt of Mr. Bernstein's comments, DTSC agreed to participate in a conference meeting (arranged by FMSD) with Mr. Bernstein on December 18 at 6:00 P.M. in lieu of a public meeting. Various issues (questions and concerns) were discussed and addressed at the meeting. These issues were summarized in DTSC's Responses E2 through E5.

At the end of the meeting, Mr. Bernstein indicated that he was satisfied with the information and response to the issues presented at the focus group meeting.

Narrative Comment E2:

Several members of the public did not receive the Fact Sheet announcing the RAW for this Site. How did this happen?

Response E2:

Public participation is a major component in DTSC's decision-making process. In order to be responsive to community concerns, DTSC is committed to a proactive approach which includes conducting a community survey to identify interest in the project, and issuance of a Fact Sheet to a mailing list provided by the FMSD.

Public outreach was conducted by DTSC to inform the community of the draft RAW for the Ramblewood Park Elementary School. On October 8, 2003, DTSC mailed a letter introducing the project with a community survey questionnaire to approximately 700 residents surrounding the school site. Seven responses from the survey were returned to DTSC. Based upon the low response to DTSC's survey, and the low attendance and lack of comment for the Preliminary Environmental Assessment and CEQA hearing (see Response C-2) conducted by FMSD, DTSC determined in mid-November, 2003 that the community was not interested in having a public meeting to discuss the RAW. As a result, no public meeting was planned.

A Fact Sheet describing the draft RAW and announcing the public comment period (without a public meeting) was mailed to 1306 addresses by FMSD on November 17, 2003. The mailing addresses included property owners, residents, and out-of-area owners, as well as DTSC's mandatory mailing list, sent to all residents within ¼ mile radius of the proposed school Site. FMSD advised DTSC that only 21 envelopes were returned to the district as "undeliverable".

Narrative Comment E3:

What is the anticipated load weight of the trucks navigating the streets to remove and replace the soil? What is the load weight of the tractors and heavy bulldozers brought in by heavy trucks? What would be the damage on the existing roads of 1500 truck trips to the site? If damage occurs to the roads, who is responsible for the repair of the roads? What could residents expect as far as noise, dust and traffic issues? What are hours of operation? Is there any pesticide contamination identified at the site? Will the site be secured on weekends? Will the Park be available for use on weekends?

Response E3:

Please see Response C1 above, addressing the site-specific Transportation Plan which was prepared to address all issues or concerns related to offsite disposal of waste soils and backfilling of import fill materials.

The approximate weight of a typical 20 cubic yard truck carrying loaded material will be 40 tons, i.e., 22 tons of rock and 18 tons of the truck itself. These trucks are used routinely in city activities.

The loaded weight of the largest bulldozer (D9) that may be needed for heavy excavation and/or construction is 80 tons, i.e., 55 tons of the dozer and 25 tons of the truck itself. The bulldozer is expected to be mobilized and demobilized only once during implementation of the RAW.

All roadways and highways have been designed and constructed to sustain even heavier truck loads. Bulldozers and transportation trucks are common vehicles used in any

construction projects. No serious damage to roadways is expected. However, there may be accelerated surface wear to the roadways based on the increased traffic due to the proposed 1500 truck trips for the project. Therefore, all street surfaces along the proposed transportation route will be routinely inspected and, if necessary, maintained or repaired by FMSD's contractors, during implementation of the RAW.

For those intersections (along the proposed transportation route) without traffic control signs or if necessary, a flag person may be located to assist or direct traffic flows during heavy traffic hours.

Normal working hours for the project will be from 7:00 AM to 5 PM, Monday through Friday. During implementation of the RAW, there will be an insignificantly increased impact on noise, dust and traffic to the local community. These impacts will be minimized or avoided by implementation of the mitigation measures specified in the RAW's Negative Declaration, Dust Control and Air Monitoring Plan, and Transportation Plan.

No pesticide concerns were identified for the site during the Phase I Environmental Site Assessment (Phase I) of the site. Additional sampling at the adjacent park during the PEA also indicated that pesticides were not an issue at the park.

Construction work is scheduled between Mondays and Fridays. The Park will be available for use on weekends. A six-foot high chain link fence will surround all areas under construction, providing security for the Site.

Narrative Comment E4:

It is odd that the existing soil for the park which has asbestos is OK, but the new school which is on the same land cannot allow the existing soil to be used. If asbestos dusts become airborne, will there be any health risks?

Response E4:

At present, DTSC requires that school sites meet risk assessment standards for residential exposures to contaminants, that is, 24 hours per day, 7 days per week, for 30 years, in order to protect both children and adults at schools. Inhalation of asbestos fibers is the main pathway for asbestos to impact humans.

Regional asbestos issues pertaining to areas outside the Site are not ordinarily overseen by DTSC, and are not addressed by the subject RAW. CARB and BAAQMD have lead jurisdiction over hazardous air emissions from offsite sources. Under current conditions at the adjacent park, there is no imminent endangerment associated with exposures to asbestos because the park is entirely covered by landscaping grass or concrete floor. Please contact BAAQMD for more information.

Asbestos fibers can become airborne during any activities that disturb asbestos-

containing minerals. Excessive exposure to airborne asbestos fibers may result in respiratory disease or cancer. However, so long as the dust mitigation and air monitoring plans are followed during site construction, there is small likelihood that contaminant levels sufficient to cause health impacts will be generated. The proposed construction plan requires that the site be excavated to eight feet below the cut area, plus an additional three feet of clean fill as a cap, that is a total of eleven feet of cover over the NOA-impacted soil. Additionally, FMSD has a storm drain runoff plan to mitigate impacts from watering to keep dusts down.

Narrative Comment E5:

About 100 yards away when Yuerba Buena Road was constructed, Indian bones were discovered. Respect should be shown, since there is likelihood that bones/artifacts of Indian culture be preserved. Coordination with a local American Indian representative should be established for the possibility that if bones were discovered, that the proper steps would be taken.

Response E5:

Pursuant to the California Environmental Quality Act (CEQA) requirements, a Negative Declaration was adopted in December 2003 by FMSD. As part of the preparation of the Negative Declaration, a Phase I Cultural Resources Inventory of the project area was conducted with a search of relevant records, maps and archives. Archival research indicated that Ramblewood Park was the subject of a previous archaeological survey that resulted in negative findings. Archival research also revealed that archaeological materials present east of the site did not extend onto the project Site. In addition, a surface reconnaissance of the project site concluded that no sign of archaeological use was found.

Although it is unlikely that cultural resources will be uncovered during soil excavation activities, a mitigation measure was included in the Negative Declaration as follows: "In the unlikely event when any significant cultural materials are encountered during soil excavation, all construction within a radius of 50-feet of the finding would be halted, the FMSD Superintendent would be notified, and a qualified archaeologist will examine the finding and make appropriate recommendations regarding the significance of the finding and the appropriate mitigation that would be implemented."